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Attorney for Defendant
RAYMOND ATOIGUE

FILED
DISTRICT COURT OF GUAM

MAY 25 2005 *hbc*

MARY L.M. MORAN
CLERK OF COURT

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,) CR 05-00035
)
Plaintiff,) STIPULATION REGARDING
) CONTINUANCE OF TRIAL DATE AND
vs.) EXCLUDABLE TIME PERIODS UNDER
) SPEEDY TRIAL ACT; PROPOSED <i>by</i>
RAYMOND ATOIGUE) FINDINGS AND ORDER
)
Defendant.) Original Trial Date: June 15, 2005
) Proposed Trial Date: August 9, 2005

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff, United States of America, by and through its attorney of record, Assistant United States Attorney, Karon V. Johnson, and defendant Raymond Atoigue, by and through her attorney of record, Assistant Federal Public Defender, Kim Savo, as follows:

1. Defendant first appeared before a judicial officer in the court in which this charge is pending on April 15, 2005. The Indictment in this case was filed on April 13, 2005. The

Speedy Trial Act of 1974, 18 U.S.C. § 3161 et seq., originally required that trial commence on or before June 27, 2005.

2. On April 15, 2005, defendant was arraigned on the Indictment. The court set a trial date of June 15, 2005.

3. The parties estimate that the trial in this matter will last approximately three to four days.

4. By this stipulation the parties jointly move that the trial date be continued from June 15, 2005 to August 9, 2005.

5. The parties agree and stipulate, and request that the court find the following:

a) Because the nature of the case involves exposure to a mandatory minimum sentence of imprisonment of ten years, defense counsel desires additional time to conduct further investigation, file any necessary motions and to prepare to defend Mr. Atoigue at trial on the charged offense. Defense counsel believes that failure to grant the above-requested continuance would deny her the reasonable time necessary for effective representation of Mr. Atoigue and for effective preparation, taking into account the exercise of due diligence.

b) Defense counsel has the following scheduled:

(I) Trial June 6, 2005 in the matter of United States v. Peter Blas, CR 05-00018;

(ii) Trial June 13, 2005 in the matter of United States v. Harold Cruz, Mag. 05-00007;

(iii) Trial July 6, 2005 in the matter of United States v. Norman Chan, CR 05-00036.

c) Government counsel will be off-island beginning on July 15, 2005 and returning on August 3, 2005.

d) The District Court of Guam will not have a designated District Judge sitting between June 17, 2005 and July 5, 2005.

e) Based on the above stated findings, the ends of justice are served by continuing the case as requested and outweigh the interest of the public and the defendant in a trial within the original date prescribed by the Speedy Trial Act.

(1) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which trial must commence:

(i) The time period of June 15, 2005 to August 9, 2005 is deemed excludable pursuant to 18 U.S.C. § 3161(h)(8)(A) because it results from a continuance granted by the judge at the defendant's request without government objection on the basis of the judge's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

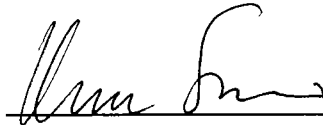
7. The parties agree and stipulate and request that the Court find that nothing in this stipulation and order shall preclude a finding that other provisions fo the Speedy Trial Act dictate

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that additional time periods are excludable from the period within which trial must commence.

DATED: Mongmong, Guam, May 24, 2005.



KIM SAVO

Attorney for Defendant

~~DEDE QUINTANILLA DUMANAL~~

DATED: Hagatna, Guam, 5/25/05.



KARON V. JOHNSON

Attorney for Plaintiff

United States of America

The period commencing June 15, 2005 through August 9, 2005, inclusive, shall be excluded pursuant to 18 U.S.C. § 3161(h)(8)(A). Trial shall commence on Aug 9, 2005 at 9:00am. Pretrial motions shall be filed by July 1, 2005 and heard on Aug. 1, 2005 at 1:30 pm

IT IS SO ORDERED.

DATED: Hagatna, Guam, May 25, 2005.



HON. JOAQUIN V.E. MAINBUSAN, JR.

Magistrate Judge

District Court of Guam

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MAY 24 2005

DISTRICT COURT OF GUAM
HAGATNA, GUAM